
COMMONWEALTH OF VIRGINIA



OFFICE OF THE GOVERNOR

NUMBER SEVENTEEN (2010)

Assigning Responsibility for Participation in the Federal "Superfund" Program

Importance of the Initiative

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 2.2-104 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby assign responsibilities for the administration and coordination of state response actions under the Federal Comprehensive Environmental Response Compensation and Liability Act of 1980 ("Superfund") program, as amended, to the following executive branch agencies and officials:

1. The Secretary of Public Safety or the Secretary's designee shall be responsible for entering into cooperative agreements with the United States Environmental Protection Agency (EPA) regarding the immediate response to the release of, or substantial threat of a release of, hazardous substances that threaten the public health, welfare, and environment.
2. The State Coordinator of the Department of Emergency Management, under the direction of the Secretary of Public Safety, shall be responsible for developing the Virginia Oil and Hazardous Materials Emergency Response Plan and other requisite documents.
3. The Director of the Department of Environmental Quality, under the direction of the Secretary of Natural Resources, shall be responsible for entering into cooperative agreements and other agreements and contracts with EPA, the United States Department of Defense, and other federal agencies for the Superfund Site Assessment, Removal and Remedial Programs. Such agreements and contracts shall provide for the investigation and assessment of releases of hazardous substances into the environment, and for remedial actions providing permanent resolution of the release of hazardous substances into the environment, except removals that involve immediate response to the release of hazardous substances that

threaten the public health, welfare, and environment. Before signing any cooperative agreement, the Director of the Department of Environmental Quality shall assure the adherence to any applicable requirements of the general law and the provisions of the current Appropriation Act.

4. The Director of the Department of Environmental Quality is authorized to sign, on behalf of the Commonwealth, the hazardous waste capacity assurance plan mandated by the Superfund Amendments and Reauthorization Act and any amendments thereto.
5. The Secretary of Natural Resources shall act on behalf of the public as trustee for natural resources. The Secretary of Natural Resources shall assess damage to natural resources in the case of injury to, destruction of, or loss of natural resources. Funds recovered by the Secretary of Natural Resources as trustee shall be available only to restore, rehabilitate, or acquire the equivalent of such natural resources.
6. The Secretary of Natural Resources and the Secretary of Public Safety are authorized to develop memoranda of understanding which set forth the working relationships between and among state agencies with responsibilities under the Executive Order and applicable statutes.

Effective Date of the Executive Order

This Executive Order rescinds Executive Order Number 20 (2006), issued by Governor Timothy M. Kaine. This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2014, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 29th day of June 2010.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth